

APPROVED

**BOARD OF DENTISTRY
MINUTES OF REGULATORY/LEGISLATIVE COMMITTEE**

Wednesday, October 29, 2008

**Department of Health Professions
9960 Mayland Drive, 2nd Floor
Richmond, Virginia 23233
Board Room 3**

CALL TO ORDER: The meeting was called to order at 1:07 p.m.

PRESIDING: James D. Watkins, DDS, Chair

MEMBERS PRESENT: Jacqueline G. Pace, RDH
Jeffrey Levin, DDS
Myra Howard

MEMBERS ABSENT: None

STAFF PRESENT: Sandra Reen, Executive Director
Elaine Yeatts, Senior Policy Analyst
Huong Vu, Administrative Staff Assistant

COUNSEL PRESENT: Howard Casway, Senior Assistant Attorney General

QUORUM: All members were present.

PUBLIC COMMENT: **Dr. Robert L. Campbell, DDS** of the Virginia Dental Society of Anesthesiology provided a handout about an ancillary personnel training program he offers. He requested that the Board interpret its regulations on administration and monitoring of sedation and anesthesia to support the delegation of anesthesia related duties such as starting an IV to dental assisting staff commensurate with advanced training and/or experience.

Dr. Watkins advised Dr. Campbell that the interpretation he requests is not what the Board intends regarding the current regulations and that if he would like the regulations changed he might submit a Petition for Rulemaking.

MINUTES: Dr. Watkins asked if the Committee had reviewed the minutes of the December 5, 2007 meeting and September 10, 2008 meeting. Ms. Howard moved to accept the December 5, 2008 minutes. The motion was seconded and passed. Ms. Pace moved to accept the September 10, 2008 minutes. The motion was seconded and passed.

DENTAL ASSISTANT REGUGLATIONS: **Notice Of Intended Regulatory Action (NOIRA)** - Ms. Yeatts reviewed the notice and advised that the comment period ends

**Virginia Board of Dentistry
Regulatory Legislative Committee Meeting
October 29, 2009**

November 12 and after that the Board can adopt proposed regulations whenever it wishes after that. She also noted there was no emergency enactment clause so there is no deadline that needs to be met.

Draft Regulatory Language For DA II Regulations – Ms. Yeatts indicated that she had taken the recommendations of the advisors and included them in one document to facilitate decisions about regulatory language. Ms. Reen noted that the title of the regulations and the current definition of “dental assistant” in the regulations should be included for discussion.

Ms. Yeatts asked to begin discussion with consideration of the fees for registering and for renewal and she noted that the advisors recommended amounts of \$25 to \$60. Discussion followed to include review of the fees charged for other registrations at DHP, the costs associated with processing applications, and the inability to predict the number of registrants. Ms. Pace moved to adopt a \$100.00 application fee and a \$50.00 renewal fee. The motion was seconded and passed.

Dr. Levin recommended that the renewal period should be from April to March to coincide with renewals for dentists and dental hygienists. Following discussion of options, it was the consensus of the Committee to adopt the April to March cycle.

Ms. Yeatts then led review of the statutory language and the recommendations made by advisors regarding any additional requirements to be met for renewal. In this discussion:

- Ms. Howard moved to require current certification by the Dental Assisting National Board (DANB) or another credentialing organization recognized by American Dental Association (ADA). The motion was seconded and passed.
- Dr. Levin moved to require DA IIs to attest on their application and renewal that they have completed the required Continued Education to maintain their certification. The motion was seconded and passed.

**Virginia Board of Dentistry
Regulatory Legislative Committee Meeting
October 29, 2009**

- Dr. Levin moved to require posting the registration for public view. The motion was seconded and passed.
- Dr. Levin moved to require DA IIs to attest to familiarity with dental practice laws and regulations on their application and renewals. The motion was seconded and passed.

A discussion of the additional education requirements that should be met followed. The suggestion made by Dr. Levin was that the additional training required should be aligned to the duties to be delegated and may break out by specialty area. Ms. Yeatts advised that such an approach would be too complicated to administer and that there needed to be a standard expectation for DA IIs to be qualified to perform a range of duties. It was noted that in other states training programs were developed to meet that Board's requirements. Ms. Reen noted that the Board was required by statute to set the education requirements. The Committee deferred this topic pending a discussion of the duties a DA II would be allowed to perform.

The Board took no action in the matter of inactive registration.

Ms. Yeatts noted that there were recommendations to limit the number of DA IIs a dentist might supervise to 2. Discussion followed about whether such a limitation was needed for patient safety and for consistency with the limitations placed on the supervision of dental hygienists. Dr. Levin moved to allow no more than 2 Dental Assistant IIs to work with a dentist at any one time. The motion was seconded and passed. He then said that a dentist should be required to see patients both before and after services are provided by a DA II. Ms. Reen said that the definition of "direction" would have to be amended to make that clear. Ms. Yeatts questioned whether that could just be addressed in the DA section of the regulations. Mr. Casway advised that the definition should be modified.

**Virginia Board of Dentistry
Regulatory Legislative Committee Meeting
October 29, 2009**

Delegable Or Non-Delegable Duties – Dr. Watkins asked for a discussion of duties that a DA II would be permitted to perform. A preliminary discussion of the duties currently limited to dentists evolved into a review of the chart of delegable duties submitted by the Virginia Dental Assistants Association. The Committee decided that the following duties could not be delegated to Dental Assistant IIs:

- Crowns: Permanent cementation after DDS adjustment and fit
- Examine Oral Cavity
- Flush, Dry & Temporarily Close Root Canal
- Implant Abutment: Placing & impression
- Nitrous Oxide Analgesia: monitoring
- Pulp Vitality Test
- Scale – Supra gingival
- Stainless Steel Crown – fit and cement after DDS

It was agreed that the following duties could be delegated:

- Amalgam restorations: place, condense, carve, polish (with slow-speed handpiece only)
- Applying base and cavity liners
- Prepping lab forms for signature by the dentist
- Placing and finishing composite resin restorations
- Applying dentin desensitizing solution with OTC solutions
- Flush, place and remove dry socket medicaments with OTC products
- Extra-oral adjustments on dentures/partials
- Master or final (working model) impressions
- Liners or rebase removable prosthetics
- Place and remove retraction cord and associated medicaments with OTC products

Mr. Casway reviewed the Drug Control Act and advised that dental assistants are currently allowed to administer topical Schedule VI drugs supra-gingivally so limiting administration to OTC is not necessary.

**Virginia Board of Dentistry
Regulatory Legislative Committee Meeting
October 29, 2009**

ADJOURNMENT

Dr. Watkins announced that the Committee would conclude for the day and would resume the review of the advisors' recommendations on delegable duties and the other remaining agenda items at its next meeting. He stated that the date of the next meeting will be announced and adjourned the meeting at 4:10 p.m.

James D. Watkins, D.D.S., Chair

Sandra K. Reen, Executive Director

Date

Date